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Attorneys for Plaintiff and Real Party in Interest

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

INTERNATIONAL CHURCH

FOURSQUARE GOSPEL,

Plaintiff,

v.

CITY OF SAN LEANDRO, MICHAEL)

J. GREGORY (in his official capacity),)

SURLENE G. GRANT(in her official)

capacity), DIANA M. SOUZA(in her) Date: September 5, 2007

official capacity), JOYSE R.) Time: 9:00 a.m.

STAROSCIACK (in her official) Courtroom: 3

capacity), BILL STEPHES (in his) Hon.: Phyllis J. Hamilton

DECLARATION DAVID CHADBOURNE

1 official capacity), JIM PROLA (in his)
2 official capacity), JOHN JERMANIS(in)
3 his official and individual capacities),)
4 DEBBIE POLLART (in her official and)
5 individual capacities), DOES 1-50,)
6 Defendants.)
7 FAITH FELLOWSHIP FOURSQUARE)
8 CHURCH,)
9 Real Party in Interest.)

10 I, David Chadbourne, do hereby declare as follows:

11 1. That if called upon, I could and would testify truthfully, as to my own
12 personal knowledge, as follows:

13 2. I am the principal at Land Plan Associates of Pleasanton, located in
14 Pleasanton, CA. Land Plan Associates of Pleasanton specializes in land planning
15 and graphic design for land development projects. I have a Masters Degree in
16 Landscape Architecture and more than 30 years experience in land planning and
17 graphic design.

18 3. In May of 2007, at the request of Faith Fellowship Church, I reviewed
19 the City prepared Assembly Overlay District map and list of 196 properties that
20 were to be rezoned under the Assembly Use (AU) Overlay District in the City of
21 San Leandro. I then examined a list of all properties within the City of San Leandro
22 which had filed a Hazardous Materials Business Plan (HMBP). I have seen the
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DECLARATION DAVID CHADBOURNE

1 email providing this HMBP address list to Faith Fellowship Church from John A.
2 Camp of the Environmental Services Division, City of San Leandro.

3 4. Using the HMBP address list and the list of all 196 AU Overlay
4 addresses, I oversaw preparation of a map which is a graphic depiction of the
5 locations of HMBP addresses in relation to AU Overlay zoned parcels. Exhibit B,
6 filed by the Plaintiff and Real Party in Interest in support of their motion for a
7 preliminary injunction, is a true and correct copy of the graphic prepared by Land
8 Plan Associates of Pleasanton. Said graphic was produced at my direction.

11 5. Based upon the foregoing, I have determined that there is no parcel
12 within the AU Overlay District that is not within ¼ mile of a business with a
13 Hazardous Materials Business Plan.

15 I declare, under penalty of perjury under the laws of the State of California
16 and the United States of America, that the foregoing is true and correct and is of my
17 own personal knowledge, and indicate such below by my signature executed on this
18 21st day of August, 2007, in the County of Alameda, City of San Leandro.
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21
22 /S/ David Chadbourne
23 David Chadbourne, Declarant
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DECLARATION DAVID CHADBOURNE

Attorney Attestation re Signature

I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/S/ Kevin Snider

Kevin T. Snider

Mathew B. McReynolds

Peter D. MacDonald

Attorneys for Plaintiff and

Real Party in Interest